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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,004

10/22/2003

Audrey D. Harman

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08/17/2009

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EXAMINER

FORD, GRANT M

ART UNIT

PAPER NUMBER

2442

MAIL DATE

DELIVERY MODE

08/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 5/12/2009, with respect to newly amended claim limitations have been fully considered and are persuasive. The prior art rejection of claims 1-20 has been withdrawn.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites "... *to instruct the bonded time division multiplex connection and the first internet protocol connection to increase communications capacity for the customer premises*". However, there is no basis in the instant specification for the abovementioned limitation. For example, the instant specification at page 8 lines 21-23 states that "... *customer management system 306 would issue the appropriate commands over link 314 to control interfaces at storage systems 303-304.*" As such, it is clear that instructions to increase communications capacity are sent to control interfaces at the storage systems rather than to the connections themselves, as newly amended. For purposes of

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examination, the Examiner has examined the limitation as reciting instructing the control interfaces at the storage systems to increase communications capacity for the bonded time division multiplex and first internet protocol connections. Claim 11 is rejected under the same basis as directed to claim 1 described above.

***Allowable Subject Matter***

4. Claims 1 and 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action.

5. Claims 2-10 and 12-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: In examining the claims in view of Applicant's remarks and claim amendments dated 5/12/2009, the Examiner finds claims 1-20 to be patentably distinct from the prior art made of record. Specifically, the Examiner points to Applicant's arguments presented with respect to newly amended claim limitations made in applicant's response dated 5/12/2009.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT FORD whose telephone number is (571)272-8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art  
Unit 2442

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Examiner, Art Unit 2442